IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPLICATION No.2066 of 2007

Sanjay B. Gaikwad
and Anr. ..Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr R. D. Suryawanshi for the applicants.

Ms M.M. Deshmukh, APP for the State.

CORAM: V.C. DAGA,J.
DATED: 12TH JULY, 2007.

P.C.:-

1. Heard learned counsel for the applicants

and learned APP for the State.

2. Perused application and material available

on record.

3. The factual matrix reveal that on 29.5.2007 at about 7:30 a.m. when the complainant was proceeding on his motor cycle at Dhamankar Naka, Bhiwandi and when he reached near Shivsena Shakha, Kamatghar, Bhiwandi his motor-cycle was dashed from behind as such he was required to stop his motor cycle. He got down. No sooner he got down from his motor-cycle, applicant no.1 (accused Sanjay Baliram Gaikwad) assaulted the

complainant by means of a stick, whereas another applicant no.2 (accused Pralhad Gaikwad) and co-accused Waman Gaikwad started assaulting the complainant by means of hocky stick. It is alleged that due to assault by the accused Nos. 1 and 2, the complainant became unconscious, fell down. The applicant Nos. 1 and 2 (accused persons) ran away from the spot. Thereafter, the complainant was admitted in the hospital. It is also alleged that the complainant sustained injuries all over his body. His right hand and left leg both were fractured due to assault.

4. After taking into account the above aspects, two co-accused persons; namely, Pralhad and Waman were released on bail by the Court of Session, Thane. It is no doubt true that there was recovery of hocky stick from the present applicants but that, itself, will not change colour of parity.

5. In the above view of the matter, on party the applicants 1 & 2 are granted bail in the sum of Rs. 25,000/-each with one or two sureties to make up the amount of bail in C.R.No.I-140/2007 on the following conditions:

(a) that they should report to Bhiwandi City Police Station, once in a fortnight i.e. on every first and third Monday between 3.00 to 5.00 p.m.

(b) the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(c) the applicants shall not pressurise witnesses and that they shall co-operate with the Investigating agency, if required.

6. The application is allowed in the above terms.

(V.C. DAGA,J)